

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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JAY STARKWEATHER,

Petitioner

v.

Case No. 07-C-513

JUDY SMITH,

Respondent.

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**ORDER**

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Petitioner has filed a motion seeking to expand the record in this § 2254 action. Respondent vehemently opposes the motion. Respondent notes that much of the information purportedly sought is already in the record in some form or another, and she questions the relevancy of any other documents that are not presently before this court. Because the respondent's position is persuasive, the motion will be denied.

By its very nature, § 2254 review is redundant, and at its most basic level it involves a new court reviewing old arguments presented to, and rejected by, other courts. As such, because the arguments have presumably already have received substantial consideration, there is usually little need to provide a vast record in federal habeas proceedings. With that in mind, the respondent's particular objections seem well-founded, and much of the information sought is either already in the record or of questionable relevance. Briefing has already begun on the petition; if petitioner can identify certain glaring omissions from the record that are material to the relief he seeks, he may identify those in his brief and the matter may be revisited. Otherwise, I find little basis at the current

time to order the state to provide any more documents. The motion to expand the record is therefore **DENIED.**

**SO ORDERED** this 1st day of November, 2007.

s/ William C. Griesbach  
William C. Griesbach  
United States District Judge